

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DIANA BOREN, et al.,)
Plaintiffs,)
vs.)
SMITH MOTOR FREIGHT, et al.,)
Defendants.)
Case No. 4:14-CV-00437-JAR

MEMORANDUM AND ORDER

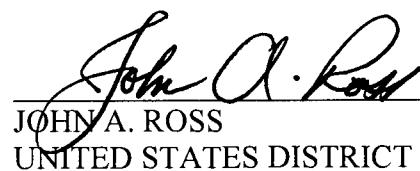
This matter is before the Court on Plaintiff Diana Boren’s (“Boren”) Motion to Deem Admitted Plaintiff’s Second Request for Admissions and to Strike Defendant’s Objections (Doc. 38). Plaintiff requests that the Court deem her second request for admissions admitted or that the Court strike the asserted objections. In support of her motion, Plaintiff indicates that only 2 out of her 44 requests were appropriately answered. Specifically, Plaintiff argues that her requests were “evaded, ignored, rephrased, or cluttered with self serving extraneous statements and baseless objections, apropos of nothing” (Doc. 39 at 1). Defendant Smith Motor Freight responds that “[a]ll 44 requests seek admissions related to arguments [Boren] wants to make at trial to support her medical damages claims, including primarily the reasonable value of her treatment” (Doc. 40 at 1). Therefore, Smith Motor argues, “it narrowly tailored qualifications to its admissions in good faith merely to avoid potential improper inferences and to preserve its defense regarding the issue . . .” (*Id.*).

Upon review of the requests for admissions and associated objections, the Court finds that Smith Motor's responses in some instances are inadequate or unduly argumentative. Federal Rule of Civil Procedure 36 "seeks to promote trial efficiency by eliminating uncontested factual matters and eliminating issues that are not really in dispute between the parties." 35A C.J.S.

FEDERAL CIVIL PROCEDURE § 743. With that in mind, the Court will order the parties to meet and attempt to resolve these issues.

Accordingly, the Court will reserve ruling on Plaintiff's Motion to Deem Admitted Plaintiff's Second Request for Admissions and to Strike Defendant's Objections (Doc. 38) until the final pretrial conference.

Dated this 24th day of July, 2015.



John A. Ross
UNITED STATES DISTRICT JUDGE